

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ROGER PLANK,

No. C 08-3310 TEH (PR)

Petitioner,

v.

ORDER REQUESTING SUPPLEMENTAL  
BRIEFING

BEN CURRY, Warden,

Respondent.

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A recent en banc decision from the Ninth Circuit, Hayward v. Marshall, No. 06-55392, 2010 WL 1664977 (9th Cir. April 22, 2010) (en banc), addressed important issues relating to federal habeas review of BPH decisions denying parole to California state prisoners. As such, the Court will provide each party an opportunity to submit a supplemental brief (not to exceed ten (10) pages in length) explaining his views of how the Hayward en banc decision applies to the facts presented in Petitioner's challenge to BPH's decision denying him parole.

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1           The Court sets the following schedule:


2           1. No later than May 10, 2010, Respondent must send to  
3           Petitioner a copy of the Hayward en banc decision.

4           2. No later than May 28, 2010, Respondent must file and  
5           serve any supplemental brief applying Hayward to the facts presented  
6           in Petitioner's case.

7           3. No later than July 2, 2010, Petitioner must file and  
8           serve any supplemental brief applying Hayward to the facts presented  
9           in his case.

10           IT IS SO ORDERED.

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12          DATED    05/03/10

  
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THELTON E. HENDERSON  
United States District Judge